

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1-5, 8, 9, 12-17, 19, 23, and 50 were previously pending in the present application. Within the Office Action, Claims 1-5, 8, 9, 12-17, 19, 23, and 50 have been rejected.

Substance of Interview Summary

The Applicant thanks the Examiner for conducting an interview with the Applicant's attorney on August 4, 2011. Joseph Weatherbee (64,810) was present at the interview as counsel for the Applicant.

During the interview, the parties first discussed the Applicants' proposed amendment to Claim 1 in view of United States Patent publication no. 2005/0097049 to Writer (hereinafter referred to as "Writer"). Without intending to mischaracterize the substance of the interview, Applicant is of the opinion that the Examiner agreed that the proposed amendment is adequate to overcome the rejections under 35 U.S.C. 102 and 35 U.S.C. 103.

Finally, Mr. Weatherbee indicated the Applicants' desire to expedite prosecution and willingness to discuss any issues arising from this response in a subsequent Examiner-initiated interview. The Examiner replied that he would contact Mr. Weatherbee in the event that he has any questions or if any objections or rejections arise that may be addressed by Examiner's amendment.

Claim Rejections under 35 U.S.C. § 102(e)

Within the Office Action, Claims 1-5, 8, 9, and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States patent publication no. 2005/0097049 to Writer (hereinafter referred to as "Writer").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The Applicants respectfully traverse this rejection because each and every element set forth in Claims 1-5, 8, 9, and 23 is not found in Writer, neither expressly nor inherently described.

Within the Office Action, the Examiner admits that "Writer does not explicitly disclose wherein the information known only to the holder of the first set of services comprises at least a portion of a credit card number stored in the first account."

The Applicants amend Claims 1 and 23 herein to recite a "method of creating an electronic wallet, comprising steps of ... presenting, via a computing device, a one-time challenge/response mechanism that requires an accountholder to provide information known only to the accountholder comprising at least a portion of a credit card number stored in the first account." Accordingly, Writer fails to recite each and every claim limitation.

For at least this reason, Writer fails to anticipate Claims 1-5, 8, 9, and 23.

Also within the Office Action, the Examiner admits that “Writer does not explicitly disclose if the holder of the first set of services doesn’t clear the challenge, allowing a predetermined number of attempts to enter the information known only to the holder of the first set of services; and if the thin wallet accountholder fails the predetermined number of attempts, allowing the holder of the first set of the services to provide a new credit card number; and presenting a challenge based on the new credit card number.”

The Applicants amend Claims 1 and 23 herein to recite a “method of creating an electronic wallet [wherein] ... if the holder of the first set of services doesn’t clear the challenge, allowing, via a computing device, a predetermined number of attempts to enter the information known only to the holder of the first set of services; and if the holder of the first set of services fails the predetermined number of attempts, allowing, via a computing device, the holder of the first set of services to provide a new credit card number; and presenting a challenge based on the new credit card number.” Accordingly, Writer fails to recite each and every claim limitation.

For at least this additional reason, Writer fails to anticipate Claims 1-5, 8, 9, and 23.

Rejection under 35 U.S.C. § 103

Also within the Office Action, Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over "Writer") in view of United States Patent No.: 6,0807,574 to Partovi (hereinafter referred to as "Partovi"). The Applicants cancel Claim 12 herein and amend Claim 1 to include those limitations previously contained in Claim 12. Further, the Applicants traverse the combination of Writer and Partovi in a rejection of Claim 1 and 23 because neither Writer nor Partovi, either alone or in combination, disclose all of the limitations of Claims 1 and 23, as currently amended.

Specifically neither Writer nor Partoci teach or suggest a method for "providing ... a first set of e-commerce services to an accountholder of a first account type, the first set of services requiring a single authentication level [and] if the accountholder clears [a] challenge, creating, via a computing device, a second account type requiring, for subsequent transactions, multiple authentication levels, and providing a different set of services for each authentication level."

Writer discloses a method for authorizing multiple payment transactions of randomly generated amounts used as a temporary identification and for instructing the purported cardholder to contact their bank to obtain the amounts of the authorized, incomplete transactions. If the customer correctly verifies the amounts, the user may be presumed to be the cardholder by virtue of access to the secured information obtained from the bank.

The Applicants' invention, as proposed herein, is unlike Writer in that a user does not need to take the extra step in calling their financial institution. Rather, a successful fulfillment of a challenge phrase provides the user with a second account type having additional entitlements. Partovi too is deficient in teaching a second account type.

For at least these reasons, Claim 1, as proposed herein, is allowable over a hypothetical combination of Writer and Partovi.

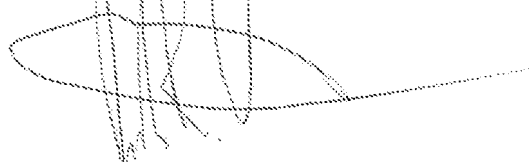
For the record, the Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on Official Notice, and any other assertions of what is well known or commonly known in the prior art.

The foregoing amendments are made solely in the interest of expediency, in recognition of the Office policy of compact prosecution. They do not indicate agreement by Applicant with the Office's position, nor do they reflect intent to forsake Claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it is reasonably entitled to in future submissions to the Office.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph Weatherbee', with a long horizontal flourish extending to the right.

Joseph Weatherbee

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